

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
ESTHER SALAS**
UNITED STATES DISTRICT JUDGE

**MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST.
ROOM 2037
NEWARK, NJ 07101
973-297-4887**

June 4, 2012

LETTER ORDER

**Re: Brevet Capital Special Opportunities Master Fund III, LP v. RD Legal
Funding Partners, LP, et al.
Civil Action No. 10-4881 (ES)**

Dear Counsel:

Pending before this Court is Plaintiff Brevet Capital Special Opportunities Master Fund III, LP's ("Plaintiff") Motion to strike the defendants' Garve W. Ivey, Jr., P.C. d/b/a The Ivey Law Firm and Garve W. Ivey, Jr. (the "Defendants") Answer for violation of Fed. R. Civ. P. 37, and to enter default judgment pursuant to Fed. R. Civ. P. 55. (the "Motion," Docket No. 73). Defendants did not oppose the Motion. On April 24, 2012, Magistrate Judge Cathy Waldor issued a Report and Recommendation (Docket Entry No. 81) recommending that this Court strike the Answer and enter default. Magistrate Judge Waldor advised the parties that they had fourteen days to file and serve any objections to the Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). To date, Defendants have not filed any objections.

The Court has considered Plaintiff's submission, as well as Judge Waldor's Report and Recommendation, and for the reasons stated therein,

IT IS on this 4th day of June 2012,

ORDERED that this Court adopts Judge Waldor's April 24, 2012 Report and Recommendation in part, and grants Plaintiff's Motion to strike; and it is further

ORDERED that this Court **DENIES** Plaintiffs' Motion for default judgment as Plaintiff failed to seek default from the Clerk of the Court prior to seeking default judgment (Fed. R. Civ. P. 55(a); and it is further

ORDERED that the Clerk of the Court is to enter default pursuant to Plaintiffs' request dated May 10, 2012; and it is further

ORDERED that Plaintiffs must file a motion for default judgment within 30 days of the date of this order; and it is further

ORDERED that the Clerk of the Court shall terminate Docket Entry Nos. 73 and 81.

SO ORDERED.

s/Esther Salas
Esther Salas, U.S.D.J